

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**SHALER EAGLE,**

**Petitioner,**

**v.**

**Civil Action No. 2:11cv8**

**WEST VIRGINIA PAROLE BOARD,**

**Respondent.**

**ORDER**

On March 17, 2011, Magistrate Judge David J. Joel filed his Report and Recommendation (“R&R”) (Doc. 21), wherein the petitioner was directed, in accordance with 28 U.S.C. § 636(b)(1), to file with the Clerk of Court any written objections within fourteen (14) days after being served with a copy of the R&R. No objections to the Magistrate Judge’s R&R have been filed. Accordingly, this Court will review the Magistrate’s R&R for clear error.<sup>1</sup>

Upon examination of the report from the Magistrate Judge, it appears to this Court that the petitioner’s Motion for Summary Judgment (Doc. 14) and Motion for Default Judgment (Doc. 19) are premature. The Court, upon a review for clear error, is of the opinion that the R&R accurately reflects the law applicable to this case. Therefore, it is

**ORDERED** that Magistrate Judge Joel’s R&R (Doc. 21) be, and the same hereby is, **ADOPTED**. Accordingly, it is

**ORDERED** that the petitioner’s Motion for Summary Judgment (Doc. 14) be, and the same hereby is, **DENIED WITHOUT PREJUDICE**. It is further

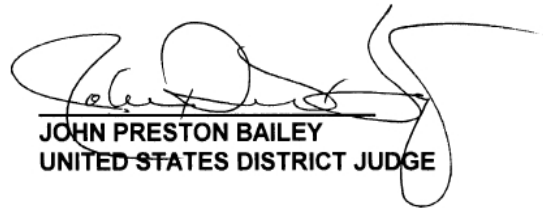
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<sup>1</sup>The failure of a party to object to a Report and Recommendation waives the party’s right to appeal from a judgment of this Court based thereon and, additionally, relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See **Wells v. Shriners Hospital**, 109 F.3d 198, 199-200 (4th Cir. 1997); **Thomas v. Arn**, 474 U.S. 140, 148-153 (1985).

**ORDERED** that the petitioner's Motion for Default Judgment (Doc. 19) be, and the same hereby is, **DENIED WITHOUT PREJUDICE**.

The Clerk of the Court is directed to transmit a copy of this Order to all parties appearing herein.

**DATED:** April 5, 2011.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE